



ECOLOGICAL ADVICE SERVICE

TO: *Andrew Gambrill*

FROM: *Helen Forster*

DATE: *25 May 2023*

SUBJECT: *CA/23/00484 Land At The Hill, Bekesbourne Lane*

The following is provided by Kent County Council's Ecological Advice Service (EAS) for Local Planning Authorities. It is independent, professional advice and is not a comment/position on the application from the County Council. It is intended to advise the relevant planning officer(s) on the potential ecological impacts of the planning application; and whether sufficient and appropriate ecological information has been provided to assist in its determination.

Any additional information, queries or comments on this advice that the applicant or other interested parties may have must be directed in every instance to the Planning Officer, who will seek input from the EAS where appropriate and necessary.

The ecological appraisal refers to a confidential badger report and we require a copy of the badger survey report to be submitted.

We advise that additional information is required prior to determination.

The ecological surveys have detailed the following:

Protected/notable species

- No evidence of dormouse
- Breeding populations of grass snake and common lizards
- Evidence of water vole within the stream
- At least 7 species of foraging/commuting bats.
- Suitable habitat for breeding birds.
- Evidence of foraging/commuting badgers

The site is two large arable fields and we agree that the majority of ecological interest within the site is associated with the field boundaries. However arable fields do regularly get used by farmland breeding birds but no specific breeding bird survey was carried out as part of this application and no justification provided. The submitted information has

detailed that evidence of breeding birds were recorded within the site boundaries but no information has been provided assessing how the site is likely to be used by ground nesting birds and associated impact of the proposal. Information provided by residents have confirmed that skylarks (a ground nesting bird) have been recorded within the site and the information submitted by the applicant does suggest that if farmland breeding birds are present they will dispersed to the wider area however it is not clear in the assessment if they have considered if there is sufficient habitat within the wider area to support any ground nesting breeding birds within the site.

We advise that additional information is required to assess the impact the proposal will have on breeding birds. We are currently within the middle of the breeding bird survey season and therefore we highlight that a breeding bird survey could be carried out to support the assessment.

A badger survey has been carried out and recorded evidence of foraging/commuting badgers. The survey was carried out in 2021 and badgers are highly mobile and therefore it is possible that a badger sett may have established in the site or within 30m of the proposed development. Therefore we recommend that an updated badger survey is carried out as part of this application.

The submitted information details indicates that (with the exception of ground nesting birds) the ecological interest of the site can be retained within the site and the indicative site plan does support this conclusion. However, with the exception of access, all matters are reserved and therefore this conclusion can not be relied on. We recommend that a parameter plan is submitted to demonstrate that the mitigation outlined within the submitted report can be implemented. For example the report details that a 30-40m buffer of the stream will be created within the site to ensure that the water vole interest of the site can be retained but without a parameter plan it can not be demonstrated that this is achievable or will be implemented if planning permission is granted.

We recommend that prior to determination a parameter plan is submitted demonstrate the areas of open space to provide suitable habitat for protected/notable species will and can be created.

Designated Sites

The submitted information has assessed the impact on the local, national and international designated sites. The main impacts on all the designated sites appear to be linked to issues associated with waste water treatment discharge and surface water run off. We advise that we are not experts within this area and advise that CCC must be satisfied that the proposed mitigation for waste water and surface water run off is appropriate to ensure that any water leaving the site will not have a negative impact on the designated sites.

CCC must be satisfied that the propose mitigation for Stodmarsh SPA, SAC, SSSI and Ramsar to achieve Nutrient Neutrality is appropriate and can be achieved.

We highlight that Littlebourne Stream LWS is within 300m of the proposed development site and there is a need to ensure that the mitigation to avoid an impact from surface water run off during the construction and operational phases are achievable.

Enhancing the site for biodiversity

Under section 40 of the NERC Act 2006 and paragraph 174 of the NPPF 2021, biodiversity should be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 180 of the NPPF 2021, the implementation of measurable net gains for biodiversity (integrated as part of design) should be encouraged.

The ecological appraisal has set out what measures can be implemented to enhance the site through habitat creation but no information has been submitted providing a quantitative or qualitative assessment on whether a net gain is achievable within the proposed development. We advise that additional information is submitted assessing if a biodiversity net gain can be achieved within the proposed development. We highlight that while it is not required the latest biodiversity metric can be used to demonstrate a measurable biodiversity net gain.

The report has made a number of recommendations of features that can be incorporated into the site to benefit biodiversity (such as bat/bird boxes). We recommend information is submitted confirming the minimum number of features to be incorporated into the buildings and open space if planning permission is granted.

If you have any queries regarding our comments, please do not hesitate to get in touch.

Helen Forster MCIEEM
Biodiversity Officer

This response was submitted following consideration of the following documents:
Ecological Appraisal; fpcr; March 2023
Badger Report; FPCR; March 2023